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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,523	02/05/2004	Atsushi Takaura	248509US2	2883
22850	7590	08/16/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER KOVAL, MELISSA J	
			ART UNIT 2851	PAPER NUMBER
DATE MAILED: 08/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/771,523

Applicant(s)

TAKAURA ET AL.

Examiner

Melissa J. Koval

Art Unit

2851

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 53-76 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/10/05&5/4/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

Election/Restrictions

Applicant's election with traverse of Group V, Embodiment 5, Figures 9, 10 corresponding to claims 53 through 76 readable on the elected species, in the reply filed on July 5, 2005 is acknowledged. The traversal is on the ground(s) that the search is not burdensome to the Examiner and as stated at the bottom of page 1 through the top of page 2 of Applicant's remarks, the Examiner particular disputes the following:

"Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, substantial additional effort."

This is not found persuasive because it absurdly alleges that the examiner has search tools with nothing short of miraculous abilities. Realistically, each class and subclass that is required in the examination of a particular invention requires proper search and consideration. Even when text searching is appropriate, different claimed inventions may include different keywords as the building blocks of the limitations set forth therein, each claimed invention being significantly different. Thus the Examiner's responsibilities and required efforts are greatly increased. The Examiner may also be required to apply a burdensome variety of prior art in a given Office Action to properly

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address each and every limitation of each and every claim. Furthermore, Applicant gives no specific reasons drawn to the merits of the claimed invention why the election of species is not proper. Applicant is reminded that a patent is for one invention.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1 through 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 5, 2005.

Specification

The abstract of the disclosure is objected to because of the term "lightbulb". Applicant seems to be referring to an image display panel such as a liquid crystal panel or a DMD, for example. Although it is true that applicant is his own lexicographer, Applicant's use of the term "lightbulb" may easily be confused with a standard lightbulb or illumination source, and not the source of an image. Furthermore, the claims elected for examination with traverse do not address the invention summarized by the Abstract of the Disclosure. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The term "lightbulb" is objected to for similar reasons already applied in the objection to the abstract.

Appropriate correction is required.

Claim Objections

Claims 53, 62, 71, and 74 are objected to because of the following informalities: Applicant possibly makes two uses of the word “normal” in the each of the independent claims in such a manner that is confusing. The first example found in claims 53, 62, 71, and 74, is as follows: “an intermediate image on the intermediate image surface is formed as a normal image on the projection surface via the reflecting mirrors.” The use of the term “normal” in this context suggests to the examiner that the image is normal because it is not distorted. However, the following use of the term “normal” later in the claims makes the first usage of the term unclear to the Examiner: “a light beam from the reflection dioptric system to the projection surface is guided at an angle to a normal of the projection surface; and the transmission dioptric system is decentered with respect to a normal of the projected object surface.” In this case the Examiner believes the term normal is used to suggest perpendicularity. The Examiner requests that Applicant clarify what is meant by the claimed limitations.

Appropriate correction is required.

Conclusion

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J. Koval whose telephone number is (571) 272-2121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK



Handwritten signature of Melissa J. Koval, with the name "Melissa J. Koval" written below it.